

REMARKS

Claims 18-20 have been provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 16-20 of copending Application No. 11/493,661 (hereinafter "the '661 application"). As explained below, this rejection should be withdrawn and this case should be allowed to issue.

Claim 16-20 in the '661 application were cancelled in a preliminary amendment dated July 27, 2006. Accordingly, this rejection should be withdrawn.

In addition, this is a provisional rejection and is the only rejection remaining in this application. MPEP 804 states "If a 'provisional' nonstatutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier filed of the two pending applications, while the later-filed application is rejectable on other grounds, the examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer." Since this is the earlier filed case, this application should have been allowed to issue even if claims 16-20 in the divisional were still pending.

For the foregoing reasons, Applicants submit that all pending claims are now in condition for allowance, early notice of which is respectfully solicited.


Application No.: 10/673,273

Docket No.: 204552030000

In the event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 204552030000.

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Respectfully submitted,

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